

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P04588800	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP 03 /16195	International filing date (day/month/year) 17.12.2003	Priority date (day/month/year) 17.12.2002
International Patent Classification (IPC) or national classification and IPC Int.Cl. C09K11/06, H05B33/14		
Applicant FUJI PHOTO FILM CO., LTD.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> a total of _____ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

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Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
pages _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the claims:
pages _____ as originally filed/furnished
pages* _____ as amended (together with any statement) under Article 19
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the drawings:
pages _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	<u>2, 3, 6, 7</u>	YES
	Claims	<u>1, 4, 5</u>	NO
Inventive step (IS)	Claims	<u>6, 7</u>	YES
	Claims	<u>1 - 5</u>	NO
Industrial applicability (IA)	Claims	<u>1 - 7</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

D1 :JP 2002-305083 A(MITUBISHI KAGAKU KABUSIKIKAI)2002.10.18

D2 :US 2002/0096995 A1(FUJI PHOTO FILM CO.,LTD.)2002.07.25

D3 :US 6358634 B1(FUJI PHOTO FILM CO.,LTD.)2002.03.19

D4 :JP 9-328678 A(TOYO INKI SEIZO KABUSIKIKAI)1997.12.22

The subject matter of claim 1,4,5 does not meet the requirement of novelty.

D1 discloses a luminescent layer comprises an organometallic complex containing at least one metal selected from groups 7 to 11 of the periodic table, which is regarded to fall within the definition "phosphorescent material" in the present Claim 1, and an organometallic complex represented by the formula (I),(II),(III) in the present claim 1,4,5 (see claim1-10,[0033]-[0037]).

The subject matter of claim 1,4,5 does not appear to involve an inventive step in view of the D2 and the D3 and the D4.

D2 discloses a luminescent layer comprises a phosphorescent material and host material. And D2 also discloses the host material is an organometallic complex contains benzoxazol or benzothiazol as a ligand. The organometallic complex in the present Claim 1,4,5 is disclosed in D3 and D4. The organometallic complex disclosed in D2 and D3 and D4 respectively, have the same or similar structure and are related to same technical field. Therefore, the skilled person in the art would easily conceive the idea of employing the organometallic complex in D3 or D4 to substitute the organometallic complex disclosed in D2.

The subject matter of claim 2,3 does not appear to involve an inventive step in view of from the D1 to the D4. The skilled person in the art would easily determine the preferable content of the organometallic complex.

None of the prior art documents cited in the international search report describes the organometallic complex in claim 6,7, and it was not obvious for the person skilled in the art to employ the organometallic complex in claim 6,7.